

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Breuckelen Distilling Company, Inc.  
 was received by me on (date) 10/27/2010.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_,  
 a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Brad E. Stabrooke, who is  
 designated by law to accept service of process on behalf of (name of organization) Breuckelen  
Distilling Company Inc. on (date) 10/27/10; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

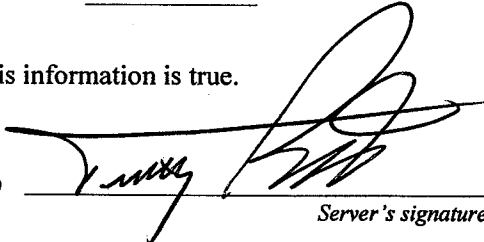
My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 11/2/2010



JONATHAN T. RIPPS  
 NOTARY PUBLIC - STATE OF NEW YORK  
 NO. 01R16109718  
 QUALIFIED IN NEW YORK COUNTY  
 COMMISSION EXPIRES MAY 17, 2012



Server's signature

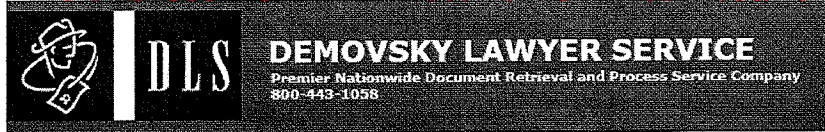
Timothy M. Botti, Process Server

Printed name and title

DLS 401 Broadway, Suite 510, NY, NY 10013

Server's address

Additional information regarding attempted service, etc:



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
BROOKLYN DISTILLING COMPANY LLC

Plaintiff

Civil Action No. CV10-4903

v.

AFFIDAVIT OF SERVICE

BREUCKELEN DISTILLING COMPANY  
INC. and BRAD ESTABROOKE

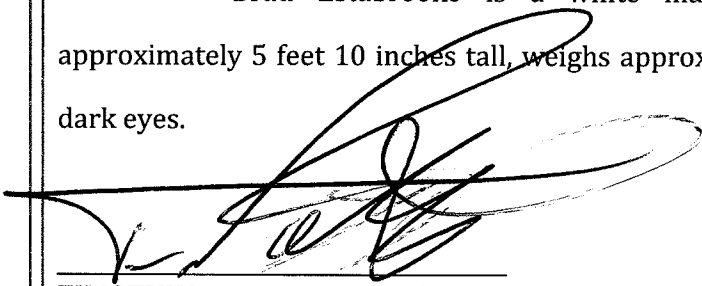
Defendant

-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF NEW YORK)

TIMOTHY M. BOTTI, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 27<sup>th</sup> day of October, 2010, at approximately 12:15 pm, deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, RULE 7.1 CORPORATE DISCLOSURE STATEMENT, CIVIL COVER SHEET, INDIVIDUAL MOTION PRACTICES OF JUDGE NINA GERSHON and MAGISTRATE JUDGE ROBERT M. LEVY** upon **BREUCKELEN DISTILLING COMPANY INC.** at 77 19<sup>th</sup> Street, Brooklyn, NY, by personally delivering and leaving the same with **BRAD ESTABROOKE**, who informed deponent that he is a President authorized by appointment to receive service at that address.

Brad Estabrooke is a white male, approximately 37 years of age, stands approximately 5 feet 10 inches tall, weighs approximately 165 pounds with short brown hair and dark eyes.

  
TIMOTHY M. BOTTI, # 843358

Sworn to before me this  
1<sup>st</sup> day of November, 2010

  
NOTARY PUBLIC

JONATHAN T. RIPPS  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01R16109718  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES MAY 17, 2012

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

BROOKLYN DISTILLING COMPANY LLC

*Plaintiff*

v.

BREUCKELEN DISTILLING COMPANY INC. and  
BRAD ESTABROOKE

*Defendant*

10-4903

Civil Action No.

LEVY M.J.

GERSHON, J

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

BREUCKELEN DISTILLING COMPANY INC.  
77 19th Street  
Brooklyn, NY 11232

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Richard M. Resnik (resnik@seyfarth.com)  
SEYFARTH SHAW LLP  
620 Eighth Avenue  
New York, New York 10018-1405  
(212) 218-5500 (Telephone)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

OCT 25 2010

Date:

10/27/2010

CLERK OF COURT

ROBERT C. HEINEMANN

*[Signature]*  
Signature of Clerk or Deputy Clerk